

EXHIBIT

B5



04/08/2021

RE: Performance/Insubordination/Harassment/Standard of Conduct

Dear: MARVIN FOSTER

You were recently promoted to the Production Trainer position. As with all promotions, employees are placed on a training and probationary period. During this time, our standard procedure is to both train the employee and to continue to assess for fit for the position. In terms of fit for positions: managers and supervisors are asked to monitor and document learning deficiencies, the inability and unwillingness to follow directions; timely comprehension of material; as well as critical Knowledge, Skills, and Abilities (KSAs) for success in the position.

Below we have outlined the issues you have exhibited since acting in the Production Trainer role. The statements below have been researched and verified by Human Resources:

Behavioral:

- Reported on 3/6 that you attempted to persuade a team member from accepting the Production Trainer position.
- On 3/26 you referred to your supervisor as "decoration" for the plant floor employees. (potential sexual harassment)
- 3/29 during a training session, employee continued to be argumentative and critical regarding the training block breakout designed by managers for the training program. You were told to simply focus on creating the presentations. You have continued to struggle with simply focusing on what is asked of you. You continued to insist on talking to managers yourself and was told that all communications and feedback should be communicated to your supervisor and that those items would be discussed with management.
- On 4/1, you met with your supervisor to discuss your completed presentation slides. You were given feedback regarding this meeting including picture quality, concise slides, and limiting the number of units discussed in the presentation to one at a time. During this meeting you exhibited grunting sounds (as if you were becoming agitated), became combative and argumentative again, continued to cut off your supervisor during conversation, and continued to reject any feedback given.

Ex 5 p1

### STANDARD OF CONDUCT

Rite-Hite exists to serve its customers. Therefore, it is crucial that Rite-Hite employees and Rite-Hite agents conduct themselves in a professional manner consistent with the highest standards of customer service at all times. Whenever Rite-Hite employees are wearing a Rite-Hite uniform, driving a company vehicle, working or communicating with customers or potential customers, vendors, subcontractors or suppliers, or in any other way representing the company to the public, it is expected that they conduct themselves in a professional manner that does not portray the company in a negative manner. Failure to do so is subject to the normal corrective action procedures. Similar professionalism is expected of all employees towards their co-workers, supervisors and subordinates. Verbal or physical abuse, fighting, theft, harassment, and other behaviors not conducive to a friendly, professional work environment will not be tolerated.

Your derogatory statements regarding your supervisor is also a violation of the RITE-HITE Harassment policy which states:

### HARASSMENT POLICY

Rite-Hite expressly prohibits any form of unlawful harassment of employees and coworkers based on race, color, religion, creed, gender, national origin, age, marital or veteran status, sexual orientation, the presence of disabilities, or any other characteristics protected by law. Any form of harassment that interferes with the ability of any employee to perform his or her job duties is prohibited. Under this policy, harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, sex, sexual orientation, national origin, age, disability, marital status, citizenship, status as a special disabled veteran, veteran of the Vietnam era, or other covered veteran, or any other characteristics protected by law and that:

1. has the purpose or effect of creating an intimidating, hostile, or offensive work environment;
2. has the purpose or effect of unreasonably interfering with an individual's work performance: 44 11-1-2020
3. otherwise adversely affects an individual's employment. Harassing conduct includes, but is not limited to: epithets, slurs, or negative stereotyping; threatening, intimidating, or hostile acts; and written or graphic material that denigrates or shows hostility or aversion toward an individual or group and that is placed on walls or elsewhere on the employer's premises or circulated in the workplace. An employee who harasses any other Rite-Hite employee or who harasses any client of Rite-Hite is subject to discipline up to and including termination. Sexual Harassment Rite-Hite prohibits any conduct by anyone including but not limited to employees from doing anything that intimidates, insults, coerces or harasses another employee, visitor, vendor, customer or prospective customer. This policy specifically prohibits an employee from engaging in any intimidating, insulting, coercive or harassing behavior that is sexual in nature. In addition, Rite-Hite prohibits unwelcome sexual advances, requests for sexual favors, and all other verbal or physical conduct of a sexual or otherwise offensive nature when:

EXS p 2

Insubordination-Failure to Follow Instructions:

- When starting the position, you were explained what your role was on multiple occasions by Darrell Jackson (HR) and your supervisor during orientation. You were told that you were no longer to alter any work instructions, as this was a Quality function and that Trainers would need to open and save a copy that they could work from. On 4/2 it was reported that you had been in the work instructions document for an extended period of time and was later reported on 4/5 that some changes had been made to the documents.
- On 4/2 before you were asked by your supervisor how many models that you were going to teach at a time in 1 Fixture, you stated all of them. You were told that again that it is not reasonable to think that a new person will be able to retain and understand 9 different models in the same training instruction. You again begin to grunt and groan and say your supervisor didn't understand. You were told that you were to begin training for the base model first in 1<sup>st</sup> fixture and after they learn the base model, then you could teach the next model. You again begin to cut off your supervisor, stating that your supervisor did not understand.
- On 4/2, in direct defiance, of your supervisor's orders, you approached the VP of Manufacturing regarding the training material (breakout of units) discussion that you had with your supervisor. As discussed on 3/29, you were told to discuss feedback with your supervisor and that your supervisor would present the feedback to management regarding any potential changes needed (following the chain of command). You were told by the VP that your supervisor was the training expert and that you were reported to her. He informed you that you were to follow her instructions.
- On 4/2 you had a discussion with your supervisor in which she outlined the issues with your combativeness, negativity, complaining, grunting, and unwillingness to listen and accept feedback from your supervisor. During the conversation, you stated that this was your personality and that your supervisor needed to decide if she wanted you on the team before you made these changes. You told your supervisor that this position could end right now if changing your personality was not enough. You were told that all the behaviors that were inappropriate needed to end.

Most recently on 4/6, it was reported by multiple employees, that you expressed some very derogatory statements regarding your supervisor. You expressed your discontent with her, using statements to refer to her as a "dumb bitch", "this bitch doesn't listen", "she is not qualified and will not last long at Rite Hite".

These and other statements and actions expressed in this warning are direct violations of the RITE HITE standard of conduct policy which states:

BY SP3

- Submission to such conduct is made either explicitly or implicitly a term or condition of a person's employment
- Submission to or rejection of such conduct by a person is used as the basis for employment decisions affecting the person
- Such conduct has the purpose or effect of unreasonably interfering with the person's work performance.

Please note that in your previous position, you were placed on a Performance Improvement Plan (PIP) regarding these similar issues and told that after successful completion of the plan, you were to maintain the improvements. You were told that any further instances of these types of behaviors would lead to further corrective action up to and including termination. As stated in this written communication, you have exhibited egregious abuse of multiple RITE HITE policies.

As a result, and effective immediately, you are being terminated from RITE HITE. Your insurance coverage ends today. In the next coming weeks, you will receive COBRA information in the mail. You will also receive information in the mail regarding your retirement savings program account.

If you have any question, please contact me directly.

Sincerely,

Darrell Jackson  
Human Resources Manager:



Employee Acknowledgement Signature:

B x 5 p 4